



U.S. EPA: Public Workshop on Collecting Chemical Use Information

Remarks from J. Brent Kynoch

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Good morning. My name is Brent Kynoch and I serve as the Managing Director of the Environmental Information Association or EIA. Our association is a non-profit membership organization comprised of professionals involved with or concerned about environmental issues in buildings. Our mission is to collect, generate and disseminate information to our membership and other interested parties regarding environmental issues and concerns in buildings and facilities. We consider ourselves “educators” to our industry.

Because our membership is multi-disciplinary, which means we encompass building owners, regulators, training providers, remediation contractors, laboratories, consulting firms, equipment suppliers and more, EIA has rarely taken a position on any regulation or legislation that might affect our membership. This is because legislation or regulations might, for instance, affect a building owner and a contractor differently.

However, for over fifteen years, our membership has unequivocally supported a ban of asbestos. Every person in our membership knows that there is no safe level of exposure to asbestos. Every person in our membership knows that there are safer alternatives to asbestos readily available and affordable in our commerce. And every person in our membership knows that the United States is one of the very few western nations that has still not banned this deadly mineral.

In 1985, the EPA estimated that there were 733,000 public and commercial buildings that contained friable asbestos in the US. This represented 20% of the estimated 3.6 million public and commercial buildings. These “public and commercial” buildings were defined as federal government buildings, any multi-family building of 10 or more dwelling units and privately owned buildings used for non-residential purposes.

Thirty plus years have taught us at least two things about these numbers and representations. First of all, the qualifier “friable” ended up being terribly misleading. If both friable and non-friable asbestos is considered, there are vastly more than 733,000 buildings that contain asbestos. Many of the buildings containing non-friable asbestos have moved into the category of “friable” materials, because the non-friable materials have disintegrated with age and in many, many cases, these non-friable materials have been terribly mishandled during renovation and demolition activities. The second thing we have learned is that these building numbers, even for just friable materials, were woefully underestimated. At the time of the study of buildings, 1984, the focus of asbestos-containing materials was on spray-applied fireproofing and thermal system insulation. There was little consideration at that time for materials such as drywall joint compound, cementitious asbestos wall board, asbestos-containing wiring insulation - - all of these being “friable” materials. Our members tell us that the numbers of buildings with friable are much higher, and that we have remediated or abated asbestos in less than half of these buildings.

EIA's
multidisciplinary
membership
collects,
generates and
disseminates
information on
environmental
health hazards
to occupants of
buildings,
industrial sites
and other facility
operations.





Also, as time has marched on since the mid-1980's, we have learned that there are likely 35 million homes - - let me repeat that - - 35 million homes - - that likely contain Zonolite or vermiculite insulation. Zonolite insulation, manufactured by W.R. Grace, is known to be contaminated with asbestos. In fact, a trust has been established as a result of over 112,000 lawsuits against that company, to assure that homeowners can be compensated for removing the deadly insulation from their homes.

Another thing that EIA has learned in more than 30 years is that the nation's existing asbestos regulations, though well-crafted and carefully enacted, have not been enforced. Even after thirty plus years, most buildings are not inspected for the presence of asbestos prior to renovation or demolition activities that might disturb asbestos. This leads to exposures to persons performing renovation and demolition activities and others in those buildings. And worse, contractors that perform asbestos removal know that they can cut corners on regulatory requirements because the likelihood of seeing an enforcement officer on their projects is almost zero. More exposures. More incidences of disease.

And finally, because asbestos has not been banned, an alarming number of building owners have paid to remove asbestos from their buildings only to learn later that asbestos was re-installed into the building. This is because so many uses of the material have not been banned. Imagine the frustration and anger of a building owner or manager who learns that their newly renovated structure has asbestos-containing floor tile mastic, or window caulk, or drywall spackling compound, or window glazing materials. All of these materials are still legal and allowed in commerce in the US, and worse, there are no labeling requirements to denote that these products contain deadly asbestos.

All of this leads the Environmental Information Association to declare and affirm the following:

- There is no known safe level of exposure to asbestos;
- Because of this fact, there is no "use" of asbestos that can be considered safe;
- The United States has a gargantuan task just to assure the safe handling, removal and disposal of asbestos that already exists in homes, buildings and facilities today.
- For these reasons, the United States needs to ban further uses of asbestos, so that we can begin to lower the number of asbestos-related deaths.

Respectfully submitted,

J. Brent Kynoch